

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

IN RE:

JAMES G WILSON,

DEBTOR.

Case No.: 21-80488-TRC
Chapter 7

**MOTION FOR RELIEF FROM AUTOMATIC STAY AND ABANDONMENT OF
PROPERTY AND BRIEF IN SUPPORT THEREOF AND NOTICE OF OPPORTUNITY
FOR HEARING**

COMES NOW SELECT PORTFOLIO SERVICING, INC., AS SERVICER FOR MEB LOAN TRUST, (hereinafter referred to as Movant) and pursuant to the provisions of Title 11 U.S.C. Section 361, 362 and 554, moves the Court to grant it relief from the automatic stay and order of abandonment of the subject property. In support of its Motion, Movant alleges, and states as follows:

1. That the original makers, Debtor and Suzanne Wilson, for a good and valuable consideration, made, executed and delivered to the Payee a certain written promissory note; a true copy of said note is hereto attached, and made a part hereof.

2. As a part of the same transaction, and to secure the payment of said note and the indebtedness represented thereby, the said makers, being then the owners of the real estate hereinafter described, made, executed and delivered to the Payee, a real estate mortgage in writing, and therein and thereby mortgaged and conveyed to said mortgagee the following described real estate situated in Rogers County, State of Oklahoma, to-wit:

Lot 14 in Country Aire Estates, a subdivision in Section 10, Township 21 North, Range 17 East of the I.B. & M., Rogers County, Oklahoma, according to the recorded plat thereof less and except that strip or Parcel of Lot 14 deeded to the State of Oklahoma recorded in Book 1047 at Page 132 of the records of the county clerk of Rogers County, Oklahoma. a/k/a 20852 S Shannon Dr, Claremore, OK 74019

with the buildings and improvements and the appurtenances, hereditaments and all other rights thereunto appertaining or belonging, and all fixtures then or thereafter attached or used in connection with said

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premises. A true and correct copy of said mortgage is attached hereto and made a part thereof.

3. As the holder of the Note, Movant is duly authorized to bring this action.
4. Default has been made upon said note and mortgage. As of July 7, 2021, the loan is due for the January 25, 2018, and subsequent payments with an outstanding principal balance of \$43,737.71. Debtor has stated his intent to surrender the property (Doc. 1, p. 10).
5. The mortgage of Movant constitutes a valid lien against the mortgaged property, prior and superior to any right, title, lien, estate or interest of the Debtor or Estate.
6. Movant will suffer irreparable injury, loss and damage unless the automatic stay is terminated so as to permit Movant to commence with its foreclosure action.
7. Notice of the Motion will be afforded to the Trustee, the Debtor and to all parties claiming an interest in the subject property as listed below.
8. Debtor and Suzanne Wilson were divorced by Order of the District Court of Rogers County, State of Oklahoma, Case No. FD-2008-441 entered February 26, 2009 and Suzanne Wilson departed this life July 27, 2016.

WHEREFORE, Movant requests that Movant, through its agents, servicers and representatives is permitted to contact Debtor and/or Debtor's counsel for the purpose of engaging in discussions and consideration for possible loss mitigation options, solutions and/or resolutions with regard to the underlying mortgage and note, including, but not limited to loan modification or other loss mitigation alternatives.

WHEREFORE, Movant moves the Court for an Order vacating or modifying the automatic stay herein as provided by 11 U.S.C. Section 362 and directing the Trustee herein to abandon the mortgaged property as authorized by 11 U.S.C. Section 554 so as to permit Movant and other interested parties to enforce their liens against the mortgaged property

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SELECT PORTFOLIO SERVICING, INC., AS
SERVICER FOR MEB LOAN TRUST

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